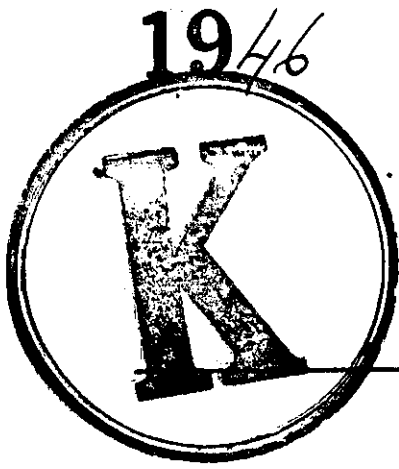




K

File No. B. Essential

Legal *Commodities/46*
DEPARTMENT

B BRANCH

P 42 (2)
1946

Subject:—

*NYC
Fuels*

A Bill to provide for the
control and regulations of the
production, movement, supply
and distribution of, and Trade
and Commerce and movement
of cattle.

L.A. Bill No. XXVI of 1946.

Bom. Act No. XXII of 1946.

File No. B. Essential *Commodities/46*
Std. Sectt. Slip 24 B c.

528-B

CONTINUED.

Legal Department File No.B.Essential Commodities/46.

Sl. No.	R.I./O.No.	Subject.	Pages.
A Bill to regulate distribution and movement of the essential commodities, etc.			
1.		Progress sheet. ...	1-2.
2.	<u>4740</u> <u>2-7-46</u>	Opinion regarding definition of "coal"....	3-4.
3.	<u>474-P</u> <u>7-9-46</u>	Revised draft. ...	5-138 (pp. 5-136 not copied)
4.	<u>475-P</u> <u>7-9-46</u>	Addition of certain commodities -- feasibility of -- ...	139-184 (pp. 141-184 not copied)
5.	<u>6241</u> <u>13-9-46</u>	Controlling indiscriminate slaughter of cattle -- feasibility of -- ...	185-186
6.	<u>1061</u> <u>1-10-46</u>	~~Intimating the date on which G.O. has given assent.~~ ...	187-188
7.	<u>943-L</u> <u>20-9-46</u>	Seeking Governor's assent. ...	189-192
8.	<u>948-L</u> <u>23-9-46</u>	Reserving the Bill for the assent of the Governor General. ...	193-194
9.	<u>612-L</u> <u>30-9-46</u>	Whether G.O.'s assent is necessary. ...	195-198
10.	<u>9025</u> <u>17-10-46</u>	Forwarding authentic copy of the Act ...	199-200

11.	~~525-L~~ ~~8-9-46~~	Revised draft.	...	201-202
12.	~~474-P~~ ~~7-9-46~~	Revised draft	...	203-204
13.	~~666-L~~ ~~13-9-46~~	Publication of the Bill.	...	205-214
14.	~~1046-L~~ ~~30/9/46~~	Publication of the Act.	...	215-228
15.	----	Debates.	...	229-276.

MBL
23/5

MRP.
19/5/56.

Office of the R.L.A.

Though charcoal as the word itself indicates a variety of coal, it must be held that 'coal' does not cover 'charcoal' since in ordinary parlance the former is not ~~when~~ understood to include the latter. Government should proceed on the basis that coal does not include charcoal.

Sd. A.R.Khan

For Remembrancer of Legal Affairs.

U.R.to C.S.D., No.4740, dated the 2nd July 1946.

MRP.
19/5/56.

Office of the R.J.A.

A revised draft of the Bombay Essential Commodities and Cattle (Control) Bill is sent herewith.

2. The subject-matter of the Bill falls under entries 2, 27, 29, 37, 38 and 54 in List II and entries 1, 2, 5 and 10 in List III in the Seventh Schedule to the Government of India Act, 1935. As the provisions of clause 6(2) are repugnant to the provisions of the Indian Evidence Act, 1872, which is an Act relating to a matter enumerated in entry 5 in the Concurrent Legislative List and the provisions of clause 4(2)(f) are repugnant to the provisions of the Indian Sale of Goods Act, 1930, which is an Act relating to a matter enumerated in entry 10 in the Concurrent Legislative List, it is necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

3. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935. The Bill does not require any sanction or recommendation of the Governor.

4. The Civil Supplies Department is requested to take immediate steps to get the Bill printed and forward ^{30 printed} 2/copies of the same to this Department for enabling it to publish the Bill without any further delay.

5. The Civil Supplies Department is also requested to obtain orders of Government regarding application of the proposed Act to the partially excluded areas in the Province of Bombay.

6. The Public Works Department has suggested in another file the addition of bricks and sand as essential commodities in Schedule I. Bricks have been included in the Schedule. H.M.(L.D.), however, does not consider it necessary to include sand in the Schedule.

Sd. P.N.Moos

7/9/46

Remembrancer of Legal Affairs.

P.
1/5/56.

U.R.to C.S.D., No. 474-P, dated the 7th September 1946.

R.L.A.'s Office.

The Public Works Department has suggested the addition of bricks and sand as essential commodities in the Schedule of the Bombay Essential Commodities and Cattle (Control) Bill under consideration of the Civil Supplies Department. Bricks have been included in the Schedule of the Bill supplied to the Civil Supplies Department. H.M.(L.), however, does not consider it necessary to include sand in the Schedule.

Sd. P.H.Moos 7/9/46
Remembrancer of Legal Affairs.

U.R.to P.W.D., No.475-P, dated the 7th September 1946.

MRP.
19/5/56.

Office of the R.L.A.

I think clauses 4(1)(b) and 4(2)(g) of the Bombay Essential Commodities and Cattle (Control) Bill, furnished to the Civil Supplies Department with R.L.A.'s U.R. No.474-P, dated the 7th September 1946, are wide enough to enable Government to control the indiscriminate slaughter of cattle. The provisions of that Bill would cover the existing orders. There is no need for any amendment in that Bill or for a separate Act.

Sd. P.N.Moos 12/9/46

Remembrancer of Legal Affairs.

U.R.to R.C.D.,No.6241, dated the 13th September 1946.

MRP.
19/5/56.

IMMEDIATE.

No.G.S.-3125.

Office of the Governor's Secretary,
Government House,
Ganeshkhind, 1st October 1946.

From

D. Symington, Esquire, C.I.E., I.C.S.,
Secretary to the Governor of Bombay.

To

The Secretary to the Government of Bombay,
Legal Department.

Sir,

With reference to your letter No.963-L, dated the 20th September 1946, I am directed to inform you that intimation has been received from the Secretary to the Governor-General (Public) that His Excellency the Governor-General has assented to the Bombay Essential Commodities and Cattle (Control) Bill, 1946, on the 30th September 1946.

Your obedient servant,

Sd. D. Symington,
Secretary to the Governor of Bombay.

MRP.
19/5/56.

No. 963-L.

Legal Department,
Council, Poona, 20th September 1946.

From

P.N. Moos, Esquire, C.I.E., I.C.S.,
Secretary to the Government of Bombay;

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to provide for the control and regulation of the production, movement, supply and distribution of, and trade and commerce in, essential commodities, and the maintenance and movement of cattle.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for being presented to His Excellency the Governor, an authentic copy of a Bill to provide for the control and regulation of the production, movement, supply and distribution of, and trade and commerce in, essential commodities, and the maintenance and movement of cattle, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council on the 17th and the 18th September 1946 respectively.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a), (b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject-matter of the Bill falls under entries 2, 27, 29, 37, 38 and 54 in List II and entries 1, 3, 5 and 10 in List III in the Seventh Schedule to the Government of India Act, 1935.

4. As the provisions of clause 6(2) are repugnant to the provisions of the Indian Evidence Act, 1872, which is an Act relating to a matter enumerated in entry 5 in the ~~Concurrent~~ Concurrent Legislative List and the provisions of clause 4(2) (f) are repugnant to the provisions of the Indian Sale of Goods Act,

1930, which is an Act relating to a matter enumerated in entry 10 in the Concurrent Legislative List, it is necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

5. I am also to forward herewith six copies of each of

-----	of the items
1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	Nos. 1 to 3
	and two
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	copies of
	item No. 4
3. Bill as read for the third time and passed by the Bombay Legislative Council.	of the
	papers noted
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 17th September 1946 and of the Bombay Legislative Council dated the 18th September 1946.	in the margin.
-----	The Bill
	was not
	referred to

* a Select Committee.

6. It is requested that His Excellency the Governor General may be moved to give his assent to the Bill before the 1st October 1946 and to convey the assent by telegram as the new Act must come into force on that date and also to communicate by telegram the date on which the assent is given.

I have the honour to be,

Sir,

Your most obedient servant,

6

Sd. P.N. Moos

Secretary to the Government of Bombay,
Legal Department.

Copy to the Secretary to the Government of Bombay,
Civil Supplies Department.

No.G.S.2972.

Office of the Governor's Secretary,
Government House.

From

~~From~~ D. Symington, Esquire, CIE. ICS.
Secretary to the Governor of Bombay.

To

The Secretary to the Bombay Legislative Assembly/Council

GANESHKHIND, 21st September 1946.

Subject: THE BOMBAY ESSENTIAL COMMODITIES AND
CATTLE (CONTROL) BILL, 1946.

Sir,

With reference to the above Bill, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council on the 17th and 18th September 1946 respectively, I am directed to state, for the information of the Hon'ble the ~~Speaker~~ ^{President} that as the provisions of clause 6(2) are repugnant to the provisions of the Indian Evidence Act, 1872, which is an Act relating to a matter enumerated in entry 8 in the Concurrent Legislative List and the provisions of clause 4(2)(f) are repugnant to the provisions of the Indian Sale of Goods Act, 1930, which is an Act relating to a matter enumerated in entry 10 in the Concurrent Legislative List, it will have to be reserved for the consideration of His Excellency the Governor-General with reference to section 107(2) of the Government of India Act, 1935. His Excellency the Governor is accordingly pleased, under section 75 of the Act, to declare that he reserves the Bill for the consideration of the Governor General.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. D. Symington
Secretary to the Governor of Bombay.

No.G.S.2973.
Ganeshkhind, 21st September 1946.

Copy forwarded with compliments to:-

The Secretary to ~~the~~ Government, Legal Department, with
reference to his letter No.963-L, dated
20th September 1946.

The Secretary to Government, Civil Supplies Department.
By order of the Governor of Bombay,

Sd. D. Symington
Secretary to the Governor of Bombay.

Legal Department.

As desired by H.E., the question whether certain provisions of the Bombay Electricity (Emergency Powers) Bill, the Bombay Essential Commodities and Cattle (Control) Bill and the Bombay Special Tribunal (Continuance) Bill are repugnant to the Indian Evidence Act, 1872 has been re-examined and the R.L.A. is inclined to adhere to his previous opinion that the said provisions are repugnant.

2. In the case of the first Bill, that is, the Bombay Electricity (Emergency Powers) Bill, it was pointed out inter alia that the provisions of clause 9 of the Bill were repugnant to the Indian Evidence Act, 1872, which is an existing law relating to entry 5 in List III. Clause 9 of the Bill provides that if the person referred to in section 8 is a company or other body corporate, the managing director, manager, secretary or other principal officer managing its business shall be deemed to be guilty of such contravention. It is true that under section 11 of the Indian Penal Code, the word "person" includes any company or association or body of persons whether incorporated or not. But having regard to the provisions of section 2 of the Indian Penal Code every person liable to punishment under the Code, means a natural person and does not include juridical persons such as corporations. Any offence if committed by a corporate body is ^{as} a rule only punishable as committed by such members of it as took part in the act. (See Ratanlal's Law of Crimes p.8). The effect of clause 9 of the Bill, however, is that even though an order may be contravened by a particular person e.g. an employee of a corporate body, the managing director, manager, secretary or other principal officer managing its business, shall be deemed to be guilty of such contravention. In a criminal case the burden lies

ordinarily

ordinarily on the prosecution to prove the existence of facts, e.g. the contravention of an order by the person actually guilty of the contravention (see section 101 of the Indian Evidence Act). Clause 9 prescribes a different rule of evidence whereby the managing director, manager, secretary or other principal officer of the corporate body is deemed guilty of contravention committed by a corporate body, even though there may be no evidence against him that he had actually taken part in the contravention. Viewed in that light clause 9 would be repugnant to the Indian Evidence Act, 1872.

3. Sub-clause (1) of clause 6 of the Bombay Essential Commodities and Cattle (Control) Bill provides for the manner of publication and service of orders. Sub-clause (2) lays down that where a question arises whether a person was duly informed of an order, compliance with the requirements of sub-clause (1) shall be conclusive proof that he was so informed. This provision which shifts the burden of proof from the prosecution is repugnant to the provisions contained in section 101 of the Indian Evidence Act. Clause 12 which relates to offences by a corporate body and makes the director, manager, secretary or agent of such body liable for the contravention of any order is also repugnant to section 101 of the Indian Evidence Act for the reasons stated in para.2 above. Clause 12 was not referred to in the letter forwarding the Bill as it was considered sufficient to refer only to clause 6(2) for the purpose of reserving the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

4. In the case of the Bombay Special Tribunal (Continuance) Bill, 1946, it was pointed out that the provisions of clause 3(2) continued in force section 9

and certain other provisions of the Criminal Law Amendment Ordinance, 1943. Section 9 provides inter alia that when any person is charged before a Special Tribunal with an offence punishable under section 161 or section 163 of the Indian Penal Code, the fact that such person is in possession of pecuniary resources for which he cannot satisfactorily account, shall be taken as a relevant fact in deciding whether he is or is not guilty of the particular offence with which he is charged. As the marginal note to the section indicates, this provision lays down a special rule of evidence. It throws the onus of proof on the accused and therefore appears to be repugnant to section 101 of the Indian Evidence Act.

5. On the whole it is safer to take the view that the provisions referred to above are repugnant to the Indian Evidence Act, and to reserve the Bills on that account for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

Secretary to Government.

U.R. to Secretary to Governor, No. 61-P, dated the 30th
September 1946.

MRP.
19/5/56.

No.GS.3285.
Office of the Governor's Secretary,
Government House.

From

D. Symington, Esquire, CIE, ICS.
Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department.

Bombay, 16th October 1946.
Subject:- THE BOMBAY ESSENTIAL COMMODITIES AND
CATTLE (CONTROL) BILL, 1946.

Sir,

With reference to the correspondence
ending with my letter No.GS.3125, dated the 1st
October 1946, on the above subject, I am directed
to forward herewith the authentic copy of the
Bombay Essential Commodities and Cattle (Control)
Bill, 1946, with His Excellency the Governor-
General's assent signified thereon.

Your obedient servant,

Sd. Ramos
for Secretary to the Governor of Bombay.

MRP.
19/5/56.

Office of the R.L.A.

A revised draft of the Bombay Cattle and Essential Commodities (Control) Bill is sent herewith. The Bill covers cattle feeds, charcoal, firewood and other essential articles which are not covered by the Essential Supplies (Temporary Powers) Bill proposed to be introduced in the Central Legislative Assembly.

2. P.W.D. has suggested in another file the addition of bricks and sand as essential commodities in Schedule II. Bricks have been included in the Schedule. H.M.(L), however, does not consider it necessary to include ~~and~~ sand in the Schedule.

Sd. K.M.Chit/vis
for Remembrancer of Legal Affairs.

U.R.to G.S.D.No.593-L, dated 8-9-46.

Copy to P.W.D.

MRP.
19/5/56.

Office of the R.L.A.

A revised draft of the Bombay Essential Commodities and Cattle (Control) Bill is sent herewith.

2. The subject-matter of the Bill falls under entries 2, 27, 29, 37, 38 and 54 in List II and entries 1, 2, 5 and 10 in List III in the Seventh Schedule to the Government of India Act, 1935. As the provisions of clause 6(2) are repugnant to the provisions of the Indian Evidence Act, 1872, which is an Act relating to a matter enumerated in entry 5 in the Concurrent Legislative List and the provisions of clause 4(2)(f) are repugnant to the provisions of the Indian Sale of Goods Act, 1930, which is an Act relating to a matter enumerated in entry 10 in the Concurrent Legislative List, it is necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

3. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935. The Bill does not require any sanction or recommendation of the Governor.

4. The Civil Supplies Department is requested to take immediate steps to get the Bill printed and forward 20 printed copies of the same to this Department for enabling it to publish the Bill without any further delay.

5. The Civil Supplies Department is also requested to obtain orders of Government regarding application of the proposed Act to the partially excluded areas in the Province of Bombay.

6. The Public Works Department has suggested in another file the addition of bricks and sand as essential commodities in Schedule I. Bricks have been included in the Schedule. H.M.(L.D.), however, does not consider it necessary to include sand in the Schedule.

Sd. K.M.Chitambar
for Remembrancer of Legal Affairs.

U.R.to C.S.D., No.474-P, dated the 7th September 1946.

Bills.

A Bill to provide for the control and regulation of the production, movement, supply and distribution of, and trade and commerce in, essential commodities, and the maintenance and movement of cattle.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No.666-L.

Council Hall, Poona, 13th September 1946.

Memorandum from the Civil Supplies Department No.805/Estt. dated the 13th September 1946.- Transferring for necessary action the papers relating to a Bill to provide for the control and regulation of the production, movement, supply and distribution of, and trade and commerce in, essential commodities, and the maintenance and movement of cattle.

RESOLUTION:- The Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication & in the Bombay Government Gazette, dated the 14th September 1946, as Bill No.XXVI of 1946.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette on the 16th September 1946.

3. The dates of the various publications should be reported to the Secretary to the Bombay Legislative Assembly.

By order of the Governor of Bombay,

Original

Sd. K.M.Chitnvis

Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with the Bill and the Statement of Objects and Reasons and with a request that 250 Gazette copies of the Bill and the S.O.R. may be forwarded to the Secretary to the Bombay Legislative Assembly for distribution to the Members of the Bombay Legislative Assembly and 25 copies for the use of the Legal Department).

The Civil Supplies Department,	}	with a copy		
*The Oriental Translator to Government,			}	of the Bill
The Secretary to the Bombay Legislative Assembly,				
The Director of Information, Bombay,	)			

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L. A. BILL No. XXVI OF 1946.

A Bill to provide for the control and regulation of the production, movement, supply and distribution of, and trade and commerce in, essential commodities, and the maintenance and movement of cattle.

WHEREAS it is expedient to provide for the control and regulation of the production, movement, supply and distribution of certain commodities essential to the life of the community, and for the control and regulation of trade and commerce therein, and for the maintenance, licensing and movement of cattle, and the licensing of dealers in such commodities and cattle, and for certain other purposes; It is hereby enacted as follows :—

1. (1) This Act may be called the Bombay Essential Commodities and Cattle (Control) Act, 1946.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the Province of Bombay.

5 (3) It shall come into force on the first day of October 1946.

2. In this Act, unless there is anything repugnant in the subject or context—

Definitions.

(1) "cattle" means any of the animals specified in Schedule II;

5 (2) "essential commodity" means a commodity specified in Schedule I;

(3) "notified order" means an order notified in the *Official Gazette*.

Amendment
of schedules.

3. The Provincial Government may, by notification in the *Official Gazette*, direct additions to or omissions from either schedule whether generally or with reference to any particular area specified in the notification, and the schedule shall on the issue of the notification be deemed to be amended accordingly. 5

Powers to
control
production,
supply,
distribution
etc.

4. (1) The Provincial Government, so far as it appears to it to be necessary or expedient for maintaining or increasing the supply, or for securing the equitable distribution and availability at fair prices, of any essential commodity or cattle may, by notified order, provide for— 5

(a) regulating or prohibiting the production, supply and distribution of, or trade and commerce in, such essential commodity ;

(b) regulating the maintenance, supply and distribution of, or trade and commerce in, cattle. 10

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder, may provide—

(a) for regulating by licence, permit or otherwise the production or manufacture of any essential commodity ; 15

(b) for regulating by licence, permit or otherwise the storage, movement, transport, distribution, disposal, acquisition, use or consumption of any essential commodity ;

(c) for prohibiting the withholding from sale of any essential commodity ordinarily kept for sale ; 20

(d) for requiring any person holding stocks of an essential commodity to sell them at specified prices to a specified person or class of persons or in specified circumstances ;

(e) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters ; 25

(f) for controlling the prices at which any essential commodity or cattle may be bought or sold ;

(g) for regulating by licence, permit or otherwise the movement, transport, distribution, disposal, acquisition, use and keeping of cattle ; 30

(h) for requiring persons engaged in the production, supply or distribution of, or trade or commerce in, any essential commodity or cattle— 35

(i) to maintain,

(ii) to produce for inspection,
any books, accounts and records relating to their business,
and to furnish any information relating to such business ;

(i) for requiring owners as well as persons in charge of milk cattle ; and dealers in milk— 40

(i) to maintain,

(ii) to produce for inspection,
any books, accounts and records relating to the
production of milk and the number of cattle owned,
controlled and maintained by them ; 45

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275

50 (j) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles and vessels, the seizure by a person authorised to make such search of any articles in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, the grant or issue of licences, permits or other documents, and the charging of fees therefor.

5 5. Every order made under the Defence of India Rules, in respect of any essential commodity or cattle, and every appointment made, licence granted, permit issued and direction given in respect of the same under the said rules or such order, and which was in force immediately before the commencement of this Act, shall in so far as it could validly have been made, granted, issued or given, as the case may be, under the provisions of this Act, be deemed to have been made, granted, issued or given thereunder.

6. (1) Every order made under section 4 shall—

Continuation
of orders,
etc., issued
under
Defence of
India
Rules.
Publication
and service
of orders.

(a) if it is an order of a general nature or affecting a class of persons, be published in the manner prescribed by rules made in this behalf;

5 (b) if it is an order affecting an individual corporation or firm, be served in the manner provided for the service of a summons in Rule 2 of Order XXIX or Rule 3 of Order XXX, as the case may be, in the First Schedule of the Code of Civil Procedure, 1908;

10 (c) if it is an order affecting an individual person other than a corporation or firm, be served on the person—

(i) personally, by delivering or tendering to him the order, or

(ii) by post, or

15 (iii) where the person cannot be found, by leaving an authentic copy of the order with some adult male member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or worked for gain.

20 (2) Where a question arises whether a person was duly informed of an order made in pursuance of section 4, compliance with the requirements of sub-section (1) shall be conclusive proof that he was so informed; but failure to comply with the said requirements shall not preclude proof by other means that he was so informed or affect the validity of the order.

5 7. Any order made or deemed to be made under section 4 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

Effect of
orders
inconsistent
with other
enactments.

Delegation of powers.	8. The Provincial Government may by notified order direct that the power to make orders under section 4 shall be also exercisable by such officer or authority and in relation to such matters and subject to such conditions, if any, as may be specified in the order.	5
Ordinary avocations of life to be interfered with as little as possible.	9. Any authority or person acting in pursuance of this Act shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the interest of the Province.	
Penalties.	10. (1) If any person contravenes any order made or deemed to be made under section 4 he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine. (2) Any Court trying such contravention may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to His Majesty.	5
Attempts etc. to contravene orders.	11. Any person who attempts to contravene, or abets a contravention of, any order made or deemed to be made under section 4, shall be deemed to have contravened that order.	
Offences by corporations.	12. If the person contravening an order made or deemed to be made under section 4, is a company or other body corporate, every director, manager, secretary or other officer or agent thereof, shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.	5
Cognizance of offences.	13. No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Indian Penal Code.	XLV of 1880.
Power to try offences summarily.	14. Any Magistrate or bench of Magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898, may, on application in this behalf being made by the prosecution, try in accordance with the provisions contained in sections 262 to 265 of the said Code any offence punishable under this Act.	V of 1898. 5
Protection of action taken under Act.	15. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under section 4. (2) No suit or other legal proceeding shall lie against the Crown for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under section 4.	5

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16. (1) The Provincial Government may, by notification Rules in the *Official Gazette*, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

- 5 (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the manner of publication under clause (a) of sub-section (1) of section 6 of an order.

SCHEDULE I.

Essential Commodities.

1. Bricks.
2. Cattle feed of all kinds, including hay, kadbi, green grass, cotton seed, tur chuni and challa, gawar, gram chuni and challa, oil cakes, wheat bran and other concentrates.
3. Charcoal.
4. Drugs.
5. Firewood.
6. Milk.
7. Ready-made clothing of all kinds.

SCHEDULE II.

Cattle.

1. Bulls.
2. Bullocks.
3. Cows.
4. Heifers.
5. Calves.
6. Buffaloes.
7. Goats.
8. Sheep.

STATEMENT OF OBJECTS AND REASONS.

With a view to maintaining supplies of essential commodities the Provincial Government has issued a series of orders controlling their supplies, movement, distribution and prices and licensing trade in them.

The Defence of India Rules under which these orders have been made will cease to be in force at the end of September 1946. It will, however, be necessary to continue some of these control measures even thereafter. The Central Government

propose to enact legislation which will continue such of the existing orders as relate to foodstuffs, cotton and woollen textiles, paper, petroleum and petroleum products, spare parts of mechanically propelled vehicles, coal, iron and steel and mica. In respect of items such as cattle-feed, charcoal and firewood of which the supply position is still unsatisfactory and control as hitherto is still essential provincial legislation will be necessary. The Bombay Essential Commodities and Cattle (Control) Bill, 1946, has been framed for that purpose. The Bill applies to essential commodities as specified in Schedule I and to cattle as specified in Schedule II thereof. Clause 3 empowers the Provincial Government to add to or exclude from the list of essential commodities in Schedule I and of cattle in Schedule II. Clause 4 gives power to the Provincial Government to control production, supply, distribution etc. of cattle and essential commodities. The other clauses of the Bill are procedural.

D. N. DESAI.

13th September 1946.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXVI OF 1946]

As published in the "Bombay Government
Gazette" of 14th September 1946)

A Bill to provide for the control and regulation of the production, movement, supply and distribution of, and trade and commerce in, essential commodities, and the maintenance and movement of cattle.

[Mr. D. N. DESAI, M.L.A.]

Act.

Publication of the Bombay Essential
Commodities and Cattle (Control) Act, 1946.

GOVERNMENT OF BOMBAY.
Legal Department.

Resolution No. 1046-L.

Council Hall, Poona, 30th September 1946.

Letter to the Secretary to the Governor, No. 963-L, dated
the 20th September 1946.

Letter from the Secretary to the Governor, dated the
30th September 1946:- Stating that the Bombay Essential
Commodities and Cattle (Control) Bill, 1946, received the
assent of the Governor-General on the 30th September 1946

RESOLUTION:- The law should be published as Bombay Act
No. XXII of 1946 in the Bombay Government Gazette, dated the
30th September 1946.

2. The Act should be translated into Marathi, Gujarati,
Kannada and Hindustani (in Urdu and Devnagari scripts) and
the translations should be published in the Bombay Government
Gazette.

3. A copy of the Act should be forwarded to the Civil
Supplies Department with reference to the memorandum from that
Department No. 805/Estt., dated the 13th September 1946.

By order of the Governor of Bombay,

Original Sd. K. M. Chitnvis
Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department).	
The Civil Supplies Department,	} with a copy of the Act.
*The Oriental Translator to Government,	
The Secretary to the Bombay Legislative Council,	
The Secretary to the Bombay Legislative Assembly,	
The Director of Information, Bombay,	)

*With five extra copies of the Act.

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BOMBAY ACT No. ~~XXVI~~ OF 1946.

~~L. A. BILL No. XXVI OF 1946.~~

An Act to provide for the control and regulation of the production, movement, supply and distribution of, and trade and commerce in, essential commodities, and the maintenance and movement of cattle.

~~(As read for the third time and passed by the
Legislative Assembly on the 17th September 1946.)~~

~~(As read for the third time and passed by the
Legislative Council on the 18th
September 1946)~~

WHEREAS it is expedient to provide for the control and regulation of the production, movement, supply and distribution of certain commodities essential to the life of the community; and for the control and regulation of trade and commerce therein, and for the maintenance, licensing and movement of cattle, and the licensing of dealers in such commodities and cattle, and for certain other purposes; It is hereby enacted as follows:—

Short title,
extent, com-
mencement
and duration.

1. (1) This Act may be called the Bombay Essential Commodities and Cattle (Control) Act, 1946.

(2) It extends to the whole of the Province of Bombay.

(3) It shall come into force on the first day of October 1946. Definitions.

(4) It shall remain in force for a period of two years.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) "cattle" means any of the animals specified in Schedule II;

(2) "essential commodity" means a commodity specified in Schedule I;

(3) "notified order" means an order notified in the Official Gazette.

Amendment
of schedules.

3. The Provincial Government may, by notification in the *Official Gazette*, direct additions to or omissions from either schedule whether generally or with reference to any particular area specified in the notification, and the schedule shall on the issue of the notification be deemed to be amended accordingly.

Powers to
control
production,
supply,
distribution
etc.

4. (1) The Provincial Government, so far as it appears to it to be necessary or expedient for maintaining or increasing the supply, or for securing the equitable distribution and availability at fair prices, of any essential commodity or cattle may, by notified order, provide for—

(a) regulating or prohibiting the production, supply and distribution of, or trade and commerce in, such essential commodity;

(b) regulating the maintenance, supply and distribution of, or trade and commerce in, cattle.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide—

(a) for regulating by licence, permit or otherwise the production or manufacture of any essential commodity;

(b) for regulating by licence, permit or otherwise the storage, movement, transport, distribution, disposal, acquisition, use or consumption of any essential commodity;

(c) for prohibiting the withholding from sale of any essential commodity ordinarily kept for sale;

(d) for requiring any person holding stocks of an essential commodity to sell them at specified prices to a specified person or class of persons or in specified circumstances;

(e) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;

(f) for controlling the prices at which any essential commodity or cattle may be bought or sold;

(g) for regulating by licence, permit or otherwise the movement, transport, distribution, disposal, acquisition, use and keeping of cattle;

(h) for requiring persons engaged in the production, supply or distribution of, or trade or commerce in, any essential commodity or cattle—

(i) to maintain,

(ii) to produce for inspection,

any books, accounts and records relating to their business, and to furnish any information relating to such business;

(i) for requiring owners as well as persons in charge of milch cattle, and dealers in milk—

(i) to maintain,

(ii) to produce for inspection,

any books, accounts and records relating to the production of milk and the number of cattle owned, controlled and maintained by them;

(j) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles and vessels, the seizure by a person authorised to make such search of any articles in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, the grant or issue of licences, permits or other documents, and the charging of fees therefor.

5. Every order made under the Defence of India Rules, in respect of any essential commodity or cattle, and every appointment made, licence granted, permit issued and direction given in respect of the same under the said rules or such order, and which was in force immediately before the commencement of this Act, shall in so far as it could validly have been made, granted, issued or given, as the case may be, under the provisions of this Act, be deemed to have been made, granted, issued or given thereunder.

Continuation
of orders
etc., issued
under
Defence of
India
Rules.

6. (1) Every order made under section 4 shall—

Publication
and service
of orders.

(a) if it is an order of a general nature or affecting a class of persons, be published in the manner prescribed by rules made in this behalf;

(b) if it is an order affecting an individual corporation or firm, be served in the manner provided for the service of a summons in Rule 2 of Order XXIX or Rule 3 of Order XXX, as the case may be, in the First Schedule of the Code of Civil Procedure, 1908;

(c) if it is an order affecting an individual person other than a corporation or firm, be served on the person—

(i) personally, by delivering or tendering to him the order, or

(ii) by post, or

(iii) where the person cannot be found, by leaving an authentic copy of the order with some adult male member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or worked for gain.

(2) Where a question arises whether a person was duly informed of an order made in pursuance of section 4, compliance with the requirements of sub-section (1) shall be conclusive proof that he was so informed; but failure to comply with the said requirements shall not preclude proof by other means that he was so informed or affect the validity of the order.

7. Any order made or deemed to be made under section 4 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

Effect of
orders
inconsistent
with other
enactments,

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Delegation
of powers.

8. The Provincial Government may by notified order direct that the power to make orders under section 4 shall be also exercisable by such officer or authority and in relation to such matters and subject to such conditions, if any, as may be specified in the order.

Ordinary
avocations
of life to
be inter-
fered with
as little
as possible.

9. Any authority or person acting in pursuance of this Act shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the interest of the Province.

Penalties.

10. (1) If any person contravenes any order made or deemed to be made under section 4 he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(2) Any Court trying such contravention may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to His Majesty.

Attempts
etc., to con-
travene
orders.

11. Any person who attempts to contravene, or abets a contravention of, any order made or deemed to be made under section 4, shall be deemed to have contravened that order.

Offences by
corporations.

12. If the person contravening an order made or deemed to be made under section 4 is a company or other body corporate, every director, manager, secretary or other officer or agent thereof, shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Cognizance
of offences.

13. No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Indian Penal Code.

Power to
try offences
summarily.

14. Any magistrate or bench of Magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1893, may, on application in this behalf being made by the prosecution, try in accordance with the provisions contained in sections 262 to 265 of the said Code any offence punishable under this Act.

Protection
of action
taken under
Act.

15. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under section 4.

(2) No suit or other legal proceeding shall lie against the Crown for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under section 4.

XLV
of
1960.

V of
1898.

16. (1) The Provincial Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act. Rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the manner of publication under clause (a) of sub-section (1) of section 6 of an order.

SCHEDULE I.

Essential Commodities.

1. Bricks.
2. Cattle feed of all kinds, including hay, kadbi, green grass, cotton seed, tur chuni and challa, gawar, gram chuni and challa, oil cakes, wheat bran and other concentrates.
3. Charcoal.
4. Drugs.
5. Firewood.
6. Milk.
7. Ready-made clothing of all kinds.

SCHEDULE II.

Cattle.

1. Bulls.
2. Bullocks.
3. Cows.
4. Heifers.
5. Calves.
6. Buffaloes.
7. Goats.
8. Sheep.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXVI OF 1946]

(As read for the third time and passed by
the Legislative Assembly on the
17th September 1946.)

(As read for the third time and passed
by the Legislative Council on
the 18th September 1946)

An Act to provide for the control and
regulation of the production, movement,
supply and distribution of, and trade and
commerce in, essential commodities, and
the maintenance and movement of cattle.

[MR. D. N. DESAI, M.L.A.]

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(as read for the third time and passed by the
Legislative Assembly on the 17th September 1946.)

L. A. BILL No. XXVI OF 1946.

*A Bill to provide for the control and regulation of the production,
movement, supply and distribution of, and trade and
commerce in, essential commodities, and the maintenance
and movement of cattle.*

WHEREAS it is expedient to provide for the control
and regulation of the production, movement, supply and
distribution of certain commodities essential to the life of
the community, and for the control and regulation of trade
and commerce therein, and for the maintenance, licensing
and movement of cattle, and the licensing of dealers in such
commodities and cattle, and for certain other purposes;
It is hereby enacted as follows :—

1. (1) This Act may be called the Bombay Essential
Commodities and Cattle (Control) Act, 1946.

(2) It extends to the whole of the Province of Bombay.

(3) It shall come into force on the first day of October

5- 1946.

(4) It shall remain in force for two years.

2. In this Act, unless there is anything repugnant in
the subject or context—

(1) "cattle" means any of the animals specified in
Schedule II;

(2) "essential commodity" means a commodity speci-
fied in Schedule I;

(3) "notified order" means an order notified in the
Official Gazette.

Amendment
of schedules.

3. The Provincial Government may, by notification in the *Official Gazette*, direct additions to or omissions from either schedule whether generally or with reference to any particular area specified in the notification, and the schedule shall on the issue of the notification be deemed to be amended accordingly. 5

Powers to
control
production,
supply,
distribution
etc.

4. (1) The Provincial Government, so far as it appears to it to be necessary or expedient for maintaining or increasing the supply, or for securing the equitable distribution and availability at fair prices, of any essential commodity or cattle may, by notified order, provide for— 5

(a) regulating or prohibiting the production, supply and distribution of, or trade and commerce in, such essential commodity ;

(b) regulating the maintenance, supply and distribution of, or trade and commerce in, cattle. 10

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide—

(a) for regulating by licence, permit or otherwise the production or manufacture of any essential commodity ; 15

(b) for regulating by licence, permit or otherwise the storage, movement, transport, distribution, disposal, acquisition, use or consumption of any essential commodity ;

(c) for prohibiting the withholding from sale of any essential commodity ordinarily kept for sale ; 20

(d) for requiring any person holding stocks of an essential commodity to sell them at specified prices to a specified person or class of persons or in specified circumstances ;

(e) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters ; 25

(f) for controlling the prices at which any essential commodity or cattle may be bought or sold ;

(g) for regulating by licence, permit or otherwise the movement, transport, distribution, disposal, acquisition, use and keeping of cattle ; 30

(h) for requiring persons engaged in the production, supply or distribution of, or trade or commerce in, any essential commodity or cattle— 35

(i) to maintain,

(ii) to produce for inspection,

any books, accounts and records relating to their business, and to furnish any information relating to such business ;

(i) for requiring owners as well as persons in charge of milch cattle, and dealers in milk— 40

(i) to maintain,

(ii) to produce for inspection,

any books, accounts and records relating to the production of milk and the number of cattle owned, controlled and maintained by them ; 45

243
245

50 (j) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles and vessels, the seizure by a person authorised to make such search of any articles in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, the grant or issue of licences, permits or other documents, and the charging of fees therefor.

5 5. Every order made under the Defence of India Rules, in respect of any essential commodity or cattle, and every appointment made, licence granted, permit issued and direction given in respect of the same under the said rules or such order, and which was in force immediately before the commencement of this Act, shall in so far as it could validly have been made, granted, issued or given, as the case may be, under the provisions of this Act, be deemed to have been made, granted, issued or given thereunder.

6. (1) Every order made under section 4 shall—

Continuation
of orders,
etc., issued
under
Defence of
India
Rules.
Publication
and service
of orders.

(a) if it is an order of a general nature or affecting a class of persons, be published in the manner prescribed by rules made in this behalf;

5 (b) if it is an order affecting an individual corporation or firm, be served in the manner provided for the service of a summons in Rule 2 of Order XXIX or Rule 3 of Order XXX, as the case may be, in the First Schedule of the Code of Civil Procedure, 1908;

10 (c) if it is an order affecting an individual person other than a corporation or firm, be served on the person—

(i) personally, by delivering or tendering to him the order, or

(ii) by post, or

15 (iii) where the person cannot be found, by leaving an authentic copy of the order with some adult male member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or worked for gain.

20 (2) Where a question arises whether a person was duly informed of an order made in pursuance of section 4, compliance with the requirements of sub-section (1) shall be conclusive proof that he was so informed; but failure to comply with the said requirements shall not preclude proof by other means that he was so informed or affect the validity of the order.

5 7. Any order made or deemed to be made under section 4 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

Effect of
orders
inconsistent
with other
enactments.

Delegation
of powers.

8. The Provincial Government may by notified order direct that the power to make orders under section 4 shall be also exercisable by such officer or authority and in relation to such matters and subject to such conditions, if any, as may be specified in the order.

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Ordinary
avocations
of life to
be inter-
fered with
as little
as possible.

9. Any authority or person acting in pursuance of this Act shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the interest of the Province.

Penalties.

10. (1) If any person contravenes any order made or deemed to be made under section 4 he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(2) Any Court trying such contravention may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to His Majesty.

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Attempts
etc. to con-
travene
orders.

11. Any person who attempts to contravene, or abets a contravention of, any order made or deemed to be made under section 4, shall be deemed to have contravened that order.

Offences by
corporations.

12. If the person contravening an order made or deemed to be made under section 4 is a company or other body corporate, every director, manager, secretary or other officer or agent thereof, shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

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Cognizance
of offences.

13. No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Indian Penal Code.

XLV
of
1860.

Power to
try offences
summarily.

14. Any Magistrate or bench of Magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898, may, on application in this behalf being made by the prosecution, try in accordance with the provisions contained in sections 262 to 265 of the said Code any offence punishable under this Act.

V of
1898

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Protection
of action
taken under
Act.

15. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under section 4.

(2) No suit or other legal proceeding shall lie against the Crown for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under section 4.

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16. (1) The Provincial Government may, by notification Rules. in the *Official Gazette*, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

- 5 (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the manner of publication under clause (a) of sub-section (1) of section 6 of an order.

SCHEDULE I:

Essential Commodities.

1. Bricks.
2. Cattle feed of all kinds, including hay, kadbi, green grass, cotton seed, tur chuni and challa, gawar, gram chuni and challa, oil cakes, wheat bran and other concentrates.
3. Charcoal.
4. Drugs.
5. Firewood.
6. Milk.
7. Ready-made clothing of all kinds.

SCHEDULE II.

Cattle.

1. Bulls.
2. Bullocks.
3. Cows.
4. Heifers.
5. Calves.
6. Buffaloes.
7. Goats.
8. Sheep.

STATEMENT OF OBJECTS AND REASONS.

With a view to maintaining supplies of essential commodities the Provincial Government has issued a series of orders controlling their supplies, movement, distribution and prices and licensing trade in them.

The Defence of India Rules under which these orders have been made will cease to be in force at the end of September 1946. It will, however, be necessary to continue some of these control measures even thereafter. The Central Government

propose to enact legislation which will continue such of the existing orders as relate to foodstuffs, cotton and woollen textiles, paper, petroleum and petroleum products, spare parts of mechanically propelled vehicles, coal, iron and steel and mica. In respect of items such as cattle-feed, charcoal and firewood of which the supply position is still unsatisfactory and control as hitherto is still essential provincial legislation will be necessary. The Bombay Essential Commodities and Cattle (Control) Bill, 1946, has been framed for that purpose. The Bill applies to essential commodities as specified in Schedule I and to cattle as specified in Schedule II thereof. Clause 3 empowers the Provincial Government to add to or exclude from the list of essential commodities in Schedule I and of cattle in Schedule II. Clause 4 gives power to the Provincial Government to control production, supply, distribution etc. of cattle and essential commodities. The other clauses of the Bill are procedural.

D. N. DESAI.

13th September 1946.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXVI OF 1946]

(As read for the third time and passed by the
Legislative Assembly on the 17th September 1946.)

A Bill to provide for the control and
regulation of the production, movement,
supply and distribution of, and trade and
commerce in, essential commodities, and
the maintenance and movement of cattle.

[Mr. D. N. DESAI, M.L.A.]

L. A. BILL No. XXVI OF 1946 (A BILL TO PROVIDE FOR THE CONTROL AND REGULATION OF THE PRODUCTION, MOVEMENT, SUPPLY AND DISTRIBUTION OF, AND TRADE AND COMMERCE IN, ESSENTIAL COMMODITIES, AND THE MAINTENANCE AND MOVEMENT OF CATTLE).

Mr. DINKARRAO N. DESAI (Minister for Civil Supplies): Sir, I beg introduce L. A. Bill No. XXVI of 1946 (A Bill to provide for the control and regulation of the production, movement, supply and distribution of, and trade and commerce in, essential commodities, and the maintenance and movement of cattle), as read for the third time and passed by the Legislative Assembly.*

The Hon. the PRESIDENT: L. A. Bill No. XXVI of 1946 (A Bill to provide for the control and regulation of the production, movement, supply and distribution of, and trade and commerce in, essential commodities, and the maintenance and movement of cattle) is introduced.

Mr. DINKARRAO N. DESAI: Sir, I beg to move that L. A. Bill No. XXVI 1946 (A Bill to provide for the control and regulation of the production, movement, supply and distribution of, and trade and commerce in, essential commodities, and the maintenance and movement of cattle) be read a first time.

Question proposed.

Mr. DINKARRAO N. DESAI: Sir, the Defence of India Act and the Rules thereunder, under which essential commodities are regulated till now, will expire on the 30th September 1946. However, times are not yet normal, and it is necessary to regulate the production, movement, etc., of certain essential commodities. Those commodities are specified in the Schedules to the Bill, and over and above that under clause 3 power has been given to the Provincial Government to include such further commodities as may be found necessary for the continuation of the supply thereof for the public of the Province.

Now, in the essential commodities list we have tried to bring in as few of the articles as possible, and with regard to these articles the position is that we are still in short supply and some sort of regulation as regards production, trade, import, etc. is necessary.

Under Clause 3, Government has reserved to itself the power of de-controlling any articles whenever the supply thereof becomes adequate.

With regard to cloth, grain, etc., the Central Government is going to have an ordinance. We have seen that in newspapers, but so far as these commodities are concerned, the Central Government has no powers to pass control legislation and so some sort of Provincial legislation is necessary. That is the reason why this Bill has been brought in this House, and I commend it for the acceptance of the House.

Sr ABDUL LATIF HAJI HAJRAT KHAN (Sholapur): Sir, if we read the Statement of Objects and Reasons, we find:

"The Central Government propose to enact legislation which will continue such of the existing orders as relate to food-stuffs, cotton and woollen textiles....."

And so far as the Bombay Government is concerned, a list of essential commodities is given in the two Schedules. I do not know why some articles are being controlled by the Government of India, and some by this Government. Now, if we read

* Bill passed by the Legislative Assembly on Sept. 17, 1946,

[Sir Abdul Latif Haji Hajrat Khan]

the list of essential commodities in Schedule I, we find the first is bricks. I do not think we are likely to experience any shortage of bricks, because all Military buildings are now being given up, and there is no Building programme now. However, if Government control bricks, the prices instead of going down will go up. I therefore request that this item 1, that is bricks, should be omitted from the Schedule. I can understand about cattle-feeds. I am an agriculturist myself, and there is a great need for them. So, I support item No. 2. Then I find Schedule II relates to bulls, bullocks, cows, heifers, calves, etc. I think the Hon. Minister is a vegetarian.

Mr. DINKARRAO N. DESAI: All the same we have to feed you.

Sir ABDUL LATIF HAJI HAJRAT KHAN: The prices of goats and sheep have gone up because the Indian States have put up a ban on their export outside the State limits. Now, of course there is no demand from the Military. I think that prices will go down, if Government does not continue to control them. I am sure that as soon as control is removed, prices will go down. I am afraid Government is doing a disservice in continuing the control on these.

Mr. DINKARRAO N. DESAI: The States do not allow any exports.

Sir ABDUL LATIF HAJI HAJRAT KHAN: I can assure the Hon. Minister that the moment control of these is removed, prices will go down. In States like Hyderabad, and even in smaller States like Bhore and Miraj, there is no control. I sympathise with the Government in their anxiety to keep the prices down and provide adequate supplies, but I think if they remove the control, prices will surely go down.

Mr. M. G. GOPI (Dharwar *cum* Kanara): Sir, in our parts bricks are not used; laterite stones are used, and the prices thereof have gone very high. So, I request the Minister in charge to include laterite stone in Schedule I.

The Hon. the PRESIDENT: May I point out that this Schedule is capable of amendment by notification; so that, if any hon. Member wishes to add something to the Schedule or wishes some commodities to be taken out from it, that can be done by Government by issuing a notification?

Mr. M. G. GOPI: Mine is a simple request, because the prices of laterite stones have gone very high. We never use bricks at all. If it takes time, I shall not press the point.

Mr. DINKARRAO N. DESAI: So far as bricks are concerned, that article has been included in the Schedule merely because Government has a large building programme in view, and because of that programme prices of bricks may rise. In order to check such rise, bricks are included here. If prices do not rise, or if Government is satisfied that decontrolling them would do no harm, then of course by a notification bricks will be removed.

With regard to animals, goats, sheep, etc., up to now, the position is not satisfactory. Imports are difficult to have and the States do not permit exports easily unless imports are regulated by the Provincial Government. In order to

[Mr. Dinkarrao N. Desai]

meet that contingency these items are included here. But in their case also, as soon as the position improves, Government will not have the least hesitation in removing them from the Schedule.

With regard to stones, if there is any difficulty felt anywhere, there is a provision by which we can control them. Section 3 gives the necessary power, and I do not think there will be any difficulty in meeting the demands of the districts.

For all these reasons, Sir, I think it will be better to allow the Schedules to remain as they are.

Question "That L. A. Bill No. XXVI of 1946 be read a first time" put, and agreed to.

MR. DINKARRAO N. DESAI : Sir, I beg to move that L. A. Bill No. XXVI of 1946 (A Bill to provide for the control and regulation of the production, movement, supply and distribution of, and trade and commerce in, essential commodities, and the maintenance and movement of cattle) be read a second time.

Question put, and agreed to.

Bill read Clause by Clause.

The Hon. the PRESIDENT : There are no amendments to any of the clauses. So, I shall put clauses 2 to 16 together.

Clauses 2 to 16 ordered to stand part of the Bill.

Schedules I and II ordered to stand part of the Bill.

Clause 1 ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

MR. DINKARRAO N. DESAI : Sir, I move that L. A. Bill No. XXVI of 1946 (A Bill to provide for the control and regulation of the production, movement, supply and distribution of, and trade and commerce in, essential commodities, and the maintenance and movement of cattle, as read for the third time and passed by the Legislative Assembly) be read a third time and passed.

Question put, and agreed to.

The Honourable the PRESIDENT : Bill No. XXVI of 1946 (A Bill to provide for the control and regulation of the production, movement, supply and distribution of, and trade and commerce in, essential commodities, and the maintenance and movement of cattle, as read for the third time and passed by the Legislative Assembly) is read a third time and passed.